

## RESPONSE TO COMMENTS

EPA received comments on the AJ Mine-Gold Creek Permit, AK-004951-4 from the City and Borough of Juneau, Susan Stark Christianson, Joyce Levine, John P. McConnochie of JRC, Inc., Peggy Ann McConnochie of Alaska Coastal Homes, Inc., Paulette Simpson, Les V. Spickler of Spickler and Associates, and Scott Spickler.

EPA received a letter, dated August 10, 1998, from the National Marine Fisheries Service (NMFS) regarding endangered species in the project area. The letter states that NMFS feels that the discharge will have no significant effect on marine mammal populations and behavior. EPA received a letter, dated August 26, 1998, from the US Fish and Wildlife Service (USFWS) regarding endangered species in the project area. The letter stated that the 1995 species list remained valid and for the purposes of Section 7 of the Endangered Species Act, USFWS concurred that populations of the endangered American peregrine falcon (*Falco peregrinus anatum*) will not likely be adversely affected as a result of this modification.

The Alaska Coastal Management Program determined that a coastal review of this permit modification was not necessary as the original permit was previously determined to be consistent with the Alaska Coast Management Program.

On October 13, 1998, the Alaska Department of Environmental Conservation (ADEC) issued a Certificate of Reasonable Assurance for proposed discharges from the AJ Mine Gold Creek Permit.

### Comments

1. **Comment:** The commenter does not want water to be pumped from the Deep North Orebody and discharged into Gastineau Channel.

**Response:** Comments can be taken only on the conditions specified in the modification request. Whether or not pumping of the Deep North Orebody can occur was not a condition of this modification request.

2. **Comment:** Several commenters voiced their support of the modification request.

**Response:** EPA has noted this.

3. **Comment:** The City and Borough of Juneau (CBJ) requested that permitted activities under the permit be broadened to include underground tours of up to 50 people per tour.

**Response:** Under the regulations at 40 CFR 122.62, only the conditions subject to modification are reopened. EPA acts on the modification request submitted by the permittee. The permittee did not request

this expanding of activities allowed under the permit.

4. **Comment:** CBJ requested that the time for implementation of the Best Management Practices (BMP) Plan be changed to within 60 days of the effective date of the permit instead of approval of the Plan.

**Response:** See response to Comment 3 above.